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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

BAYER CORPORATION

Defendant.

Case No. 2:07-cv-00001

**CERTIFICATION OF
TIMOTHY I. DUFFY, ESQ.
IN SUPPORT OF DEFENDANT'S
BRIEF SHOWING CAUSE AS TO WHY
IT SHOULD NOT BE HELD IN CIVIL
CONTEMPT**

Document Filed Electronically

I, **TIMOTHY I. DUFFY**, hereby certify as follows:

1. I am a partner in the law firm of Coughlin Duffy LLP and co-counsel along with the Sidley Austin LLP for Defendant Bayer Corporation.

2. Attached hereto as **Exhibit A** is a true and accurate copy of the September 14, 2014 deposition transcript of the government's expert, Dr. Loren Laine.

3. Attached hereto as **Exhibit B** is a true and accurate copy of the Declaration of Dr. M. Brian Fennerty and the appendices attached thereto. Dr. Fennerty is a gastroenterologist retained by Bayer to provide expert testimony in this matter.

4. Attached hereto as **Exhibit C** is a true and accurate copy of the Declaration of Dr. Daniel J. Merenstein and the appendices attached thereto. Dr. Merenstein is a family medicine physician retained by Bayer to provide expert testimony in this matter.

5. Attached hereto as **Exhibit D** is a true and accurate copy of the Declaration of Professor Andrew K. Benson and the appendices attached thereto. Professor Benson is a microbiologist and geneticist retained by Bayer to provide expert testimony in this matter.

6. Attached hereto as **Exhibit E** is a true and accurate copy of the Declaration of Professor Jeffrey Blumberg and the appendices attached thereto. Professor Blumberg is a nutrition scientist retained by Bayer to provide expert testimony in this matter.

7. Attached hereto as **Exhibit F** is a true and accurate copy of District of Utah's decision in *Basic Research v. FTC*, No. 2:09-cv-0779 (D. Utah) (Nov. 25, 2014).

8. Attached hereto as **Exhibit G** is a true and accurate copy of the Government's Amended Response to Defendant's First Requests for Admission.

9. Attached hereto as **Exhibit H** is a true and accurate copy of the Government's Response to Defendant's First Request for Interrogatories.

10. Attached hereto as **Exhibit I** is a true and accurate copy of a hyperlinked Chart produced by the government on December 10, 2014.

I hereby certify the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

COUGHLIN DUFFY LLP

Attorneys for Defendant Bayer Corporation

By: /s/ Timothy I. Duffy
Timothy I. Duffy

Dated: December 23, 2014

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